

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.416 of 2023

Arising Out of PS. Case No.-375 Year-2022 Thana- CHOUTARWA District- West
Champaran

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1. NARESH GIRI S/O DEBA GIRI Resident of Village- Chandraha Garib Sahi, P.S.- Bathwariya (Chautarva), District- West Champaran.
 2. MANTU GIRI S/O LATE DHRUB GIRI Resident of Village- Chandraha Garib Sahi, P.S.- Bathwariya (Chautarva), District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. MANORAMA DEVI W/O BRIJESH BAITHA Resident of Village- Chandraha Rupwaliya, Ward No.- 8, P.S.- Bathwariya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Milind Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 03-05-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 13.12.2022 passed by learned Additional District and Sessions Judge 1st cum Special Judge, (SC/ST), Bettiah, West Champaran in connection with Chautarva (Bathuwariya) P.S. Case No. 375



of 2022, registered under Sections 341, 323, 504, 354B, 34 of the Indian Penal Code and Section 3(i) (r) (g), 3(i)(r)(s)(w), 3(ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution story is that the co-accused Deba Giri put *diya* in his house on the occasion of Diwali festival, due to which fire caught in his house. He started accusing the informant that she has set his house on fire and started abusing her by taking caste name, in association with other accused persons and also assaulted her and torn her clothes. When the family members of the informant came to rescue her, all the accused persons assaulted them.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. The appellants are the neighbours of the informant and have never committed any such alleged occurrence. It is further submitted that neither the informant nor her husband has sustained any fatal injury. Appellants have no criminal antecedent as



mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special Judge, (SC/ST), Bettiah, West Champaran in connection with Chautarva (Bathuwariya) P.S. Case No. 375 of 2022 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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